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FAA-02-12236-



FACSIMILE MESSAGE

**FEDERAL AVIATION ADMINISTRATION
OFFICE OF REGIONAL COUNSEL
ANM-7
1601 LIND AVENUE
RENTON, WASHINGTON 98055-4056**

Date: April 29, 2002

To: Hearing Docket

Fax #: 202-267-7257

Phone #:

Pages: (Including cover)

**Sender: Pamela E. Hammond
Legal Technician**

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FAA-2002-12236 / CPO2 NM0008



U.S. Department
Of Transportation

Federal Aviation
Administration

Northwest Mountain Region
Colorado, Idaho, Montana
Oregon, Utah, Washington
Wyoming

1601 Lind Avenue, SW
Renton, WA 98055-4099
Tel: (425) 227-2007
Fax: (425) 227-1007

April 29, 2002

VIA FACSIMILE AND CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Hearing Docket
Federal Aviation Administration
800 Independence Avenue S.W.
Room 924A
Washington, D.C. 20591

Re: In the Matter of Delta Airlines, Inc., Case No. 2001NM070044

Enclosed herewith please find a copy of a request for hearing and the original and three copies of the Complaint in the above-referenced proceeding.

The FAA requests that the hearing in this matter be held in Salt Lake City, Utah, and expects that the hearing will last one day.

Please address all communications for the FAA to the undersigned at:

Federal Aviation Administration
Northwest Mountain Region, ANM-7
1601 Lind Avenue S.W.
Renton, Washington 98055-4099
Telephone: (425) 227-2163
FAX: (425) 227-1007

Sincerely,

A handwritten signature in dark ink, appearing to read "D. Williams", with a long horizontal flourish extending to the right.

DWIGHT S. WILLIAMS
Attorney

Enclosures
Request for Hearing, Complaint

UNITED STATES DEPARTMENT OF TRANSPORTATION
OFFICE OF HEARINGS
WASHINGTON, D.C.

ADMINISTRATOR
FEDERAL AVIATION ADMINISTRATION,

Complainant,

vs.

DELTA AIR LINES, INC.,

Respondent.

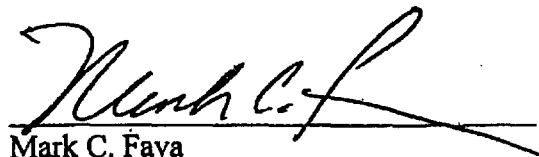
Civil Penalty Case No.
2001NM070044

**REQUEST FOR HEARING IN RESPONSE TO FINAL NOTICE
OF PROPOSED CIVIL PENALTY**

NOW COMES DELTA AIR LINES, INC., named as the Respondent in the above-styled matter, and, pursuant to 14 C.F.R. § 13.16(e)(2)(ii), hereby requests a hearing in response to the Final Notice of Proposed Civil Penalty issued by Complainant on April 10, 2002 and received on April 16, 2002.

This 19 day of April, 2002.

Respectfully submitted,



Mark C. Fava

For DELTA AIR LINES, INC.

Law Department 982
P. O. Box 20574
Atlanta, Georgia 30320-6001
Tel: (404) 715-5196
Fax: (404) 715-5587

UNITED STATES DEPARTMENT OF TRANSPORTATION
OFFICE OF HEARINGS
WASHINGTON, D.C.

In the Matter of:

DELTA AIRLINES, INC.

FAA DOCKET CP
FAA Case No. 2001NM070044

JUDGE NOT ASSIGNED

COMPLAINT

The Federal Aviation Administration (FAA), by counsel, hereby files its Complaint, pursuant to Rule 208 of the Rules of Practice (14 C.F.R. 13.208), and states as follows:

I.

1. On April 10, 2002, Delta Airlines, Inc. (hereinafter Delta), was advised through a Final Notice of Proposed Civil Penalty that the FAA proposed to assess a civil penalty in the amount of \$11,000. On April 19, 2002, Delta, through its counsel, submitted a written request for a hearing.

II.

1. Delta is now and at all times mentioned herein was, the holder of Air Carrier Operating Certificate No. DALA026A.

2. On or about November 18, 2000, Delta operated a Boeing 737, civil aircraft N947WP, without the cargo bin webbing securing the cargo.

3. As a result of the circumstance described above, the bags shifted contacting the compartment door thereby causing a master caution light to illuminate in the cockpit causing the crew to initiate a high-speed abort of their take-off.

4. Delta's operation of N947WP, as described above, was careless and or reckless so as to endanger the life or property of another.

III.

1. By reason of the foregoing facts and circumstances, Delta violated the following Federal Aviation Regulations (14 C.F.R.):

a. Section 119.5(l), in that it operated an aircraft under Part 119 and Part 121 of the Federal Aviation Regulations in violation of appropriate operations specifications issued under Part 119 of the Federal Aviation Regulations.

b. Section 91.13(a), in that it operated an aircraft in a careless or reckless manner so as to endanger the life or property of another.

2. In accordance with Section 46301(a) and (d) of Title 49 of the United States Code (Transportation) [49 U.S.C. § 46301(a) and (d)] with modifications set forth at 14 CFR Part 13, Subpart H, Delta is liable for a civil penalty not to exceed \$11,000 for each of the violations noted.

3. Under the facts and circumstances of this case, a civil penalty of \$11,000 is appropriate.

WHEREFORE, the Agency, by counsel, respectfully requests that the Administrative Law Judge enter an order that Delta be assessed a civil penalty in the amount of \$11,000.

Respectfully submitted this 29th day of April 2002.

A handwritten signature in black ink, appearing to read "Dwight S. Williams", is written over a horizontal line.

DWIGHT S. WILLIAMS
Attorney

ANSWER

In accordance with Section 13.209 of the Federal Aviation Regulations, Delta must answer this Complaint not later than 30 days from the time it is served on it. Failure to file an Answer within 30 days without good cause shall be deemed an admission of the truth of each allegation contained in the Complaint [14.C.F.R. 13.209(f)].

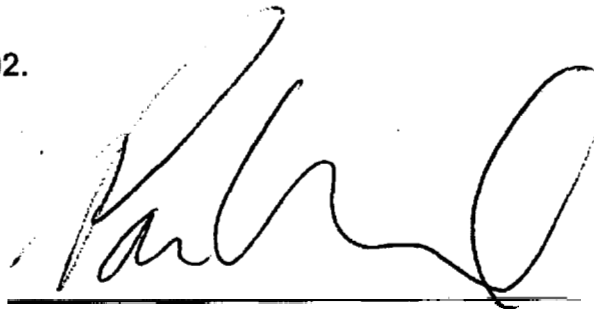
CERTIFICATE OF SERVICE

I hereby certify that the foregoing Complaint has been faxed and mailed this date by certified mail, return receipt requested, to:

Hearing Docket
Federal Aviation Administration
800 Independence Ave. SW, Room 924A
Washington, DC 20591
Fax: (202) 267-7257

Mark C. Fava
Delta Airlines, Inc.
P.O. Box 20574
Atlanta, GA 30320-6001
Fax: (404) 715-5587

Dated this 29th day of April 2002.



Pamela E. Hammond
Legal Technician
Office of Regional Counsel
Federal Aviation Administration
1601 Lind Ave. SW
Renton, WA 98055-4099
(425) 227-1847